

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 2:13-cr-2459-001 RB

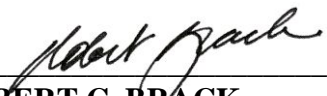
**CHRISTOPHER ANDRES AGUIRRE,
a/k/a “Chris Rodriguez,”**

Defendant.

ORDER

THIS MATTER comes before the Court on Defendant’s Request for Reconsideration and Continuance of the Sentencing Hearing. (Doc. 54.) Defendant maintains that his conviction for conspiracy to commit robbery does not qualify as a crime of violence within the meaning of U.S.S.G. § 4B1.2(a)(2). (Doc. 57 at ¶ 5.) The Fourth Addendum to the Presentence Report establishes that Defendant has two prior convictions that qualify as crimes of violence, specifically (1) retaliating against a federal official by threatening or injuring a family member, and (2) conspiracy to commit armed robbery. (Doc. 57 at ¶¶ 4 and 7.) Additionally, the Supreme Court recently held that the void-for-vagueness holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015) does not apply to the Sentencing Guidelines. *Beckles v. United States*, No. 15-8544, 2017 WL 855781, at *6–7 (U.S. Mar. 6, 2017). Accordingly, Defendant’s legal argument is foreclosed by *Beckles*. For these reasons, the Court will deny Defendant’s Request for Reconsideration and Continuance of the Sentencing Hearing.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE